



PRESIDENT'S STATEMENT ON SOVEREIGNTY DAY

APRIL 27, 2009


Yá'át'ééh! On May 3, 1985, the Navajo Tribal Council established Navajo Nation Sovereignty Day so we would always remember when our sovereignty was acknowledged and unanimously upheld by the U.S. Supreme Court. The Council set aside April 16 as Sovereignty Day – the day of the Supreme Court's ruling – but we now celebrate it as a tribal holiday on the fourth Monday of April.

It was 24 years ago that the Court recognized the Navajo Nation's inherent right to impose taxes without approval by the Secretary of the Interior in the case *Kerr McGee v. Navajo Tribe*. Most significant is that the case validated the Navajo Nation's authority to tax energy and other companies even though the Interior Secretary had not approved the Navajo taxing program, the Navajo Nation had never opted to become an IRA tribe, and we did not have a constitution. Since then, our seven taxes have brought more than \$94 million to our Nation.

Our first two taxes – the Possessory Interest Tax and the Business Activity Tax – were enacted in January 1978. Kerr-McGee Corp. immediately filed suit. It took seven years, until April 1985, for the Supreme Court to hear and decide the case. Some companies respected Navajo law and paid their taxes all along. But many others held out, waiting for the Court's decision. Following the decision, a huge influx of payments poured in.

At the time, there was justifiable concern that the Court might reverse an earlier decision that had already affirmed tribal taxing jurisdiction. But it turned out that the Court really wanted to re-affirm that even tribes without constitutions had the right to impose taxes. Navajo lawyers were especially proud that the late Navajo Nation Attorney General Claudeen Bates Arthur assigned Department of Justice attorney Elizabeth Bernstein to argue the case before the Supreme Court. Today, that is cause for all Navajos to be proud, and to remember that the Nation and the Department of Justice trusted their own enough to argue this incredibly important case.

To Navajos, the concept of sovereignty is simple. It means being independent and standing on one's own two feet. Whether an individual, a family, a community, or a nation, one wants to stand on one's own. To build an independent nation, its individual members need to stand on their own feet, dependent on no one to survive and thrive. As a people, Navajos were once proud, fierce and independent. With more of our students graduating from college each year, and with our economic initiatives in place, we can see the day in the not-too-distant future when we will become independent again, and our sovereignty will flourish every day.


DR. JOE SHIRLEY, JR., PRESIDENT
THE NAVAJO NATION